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MCAP, RS, LY
SUBJECT: CLOSING IN ON SIGNING THE U.S.-LIBYA HIGHLY ENRICHED URANIUM
TRANSFER AGREEMENT

REF: TRIPOLI 696

CLASSIFIED BY: Joan Polaschik, CDA, U.S. Embassy Tripoli,
Department of State.
REASON: 1.4 (b), (d)

11. (S/NF) Summary: According to a visiting Department of Energy official, negotiations over the text of the agreement to transfer spent nuclear fuel to Russia are almost complete. The main sticking points concern questions of liability and are expected to be resolved in a few days. Our main interlocutor, Dr. Ali Gashut, Director of the Libyan Atomic Energy Establishment, is pushing to finalize the agreement. Gashut plans to travel to Russia October 7-9 to sign the parallel Russia-Libya HEU Agreement. Meanwhile, preparations are underway to ship the DOE certified casks to Libya in November in time for the Russians to conduct training on proper loading procedures, and then complete the loading process. The planned shipment date is November 21, 2009. The Libyan Government appears to be making an intense, good-faith effort to meet its obligations regarding the spent nuclear fuel. End summary.

STATUS OF HEU AGREEMENT FINALIZATION AND SIGNING

12. (S/NF) Department of Energy (DOE) official Igor Bolshinsky completed his latest mission to Libya on October 1 and said the U.S.-Libya HEU transfer agreement is almost ready to be signed in Tripoli. The main points of contention concern liability issues, but Bolshinsky expects these to be resolved in the next few days once the relevant U.S. government legal counsels confer. (Note: the Libyans had raised the liability text in September 16 meetings on the margins of the IAEA General Congress meeting in Vienna. End note) Dr. Ali Gashut, head of the Libyan Atomic Energy Establishment, is pushing to finalize the agreement.

13. (S/NF) The Russia-Libya Agreement signing is scheduled for October 8 in Moscow. According to Bolshinsky, the Libyans have agreed that the Russian signing can move forward even before U.S.-Libya Agreement is signed since the text of the latter agreement is nearly finished. Gashut will go to Moscow on October 7 and sign on behalf of Libya, and Director General of Rostom Kirienko will sign for the Russian Federation.

PREPARATIONS UNDERWAY TO SHIP HEU TO RUSSIA

14. (S/NF) On November 3, two certified casks will be delivered to Libya, which will enable the Russians to train the Libyans in

loading the casks. On November 16, five more casks will be delivered to complete the loading during the week of November 16-20 in time for the shipment on November 21. DOE Officials will return to Libya in mid-November to assist with the shipment preparations. Noting that the Libyan Government continues to work actively on all preparations needed for the shipment, Bolshinsky assessed that his Libyan counterparts are making a good-faith effort to meet their international obligations.

COMMENT

15. (S/NF) Comment: The Libyan Government appears to have significantly stepped up its efforts on the HEU transfer agreements in recent months. As MFA A/S-equivalent Ahmed Fituri told us in August, the Libyan Government views completion of these agreements as vital to the continued bilateral relationship (ref). We share Bolshinsky's assessment that the Libyans are making a good-faith effort to meet their international obligations. Although Libya missed the September 30 shipping deadline, all evidence indicates that the spent nuclear fuel will be sent back to Russia before the end of the calendar year. Our DOE colleagues are to be commended for their perseverance and we appreciate their diligent efforts to realize the completion of the HEU repatriation program in Libya. End comment.

POLASCHIK